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AUG 27 2007

**OFFICE OF PETITIONS**

In re Application of  
Arlin Davis  
Application No. 09/397,850  
Filed: September 17, 1999  
Title of Invention: Method of Reading a  
Remote Memory

**ON PETITION**

This is a decision on the petition under 37 CFR §1.137(a), filed July 11, 2007. This petition is being treated under 37 CFR 1.181 as a petition to withdraw the holding of abandonment.

The petition to withdraw the holding of abandonment is **GRANTED**.  
The petition under 37 CFR 1.137(a) is **DISMISSED AS MOOT**.

This application was held abandoned for failure to timely submit the issue and publication fees, as required by the Notice of Allowance and Fee (s) Due which was mailed November 17, 2006. The Notice of Allowance and Fee (s) Due set a three (3) month statutory period for reply. Extensions of time were not available under the provisions of 37 CFR 1.136(a). A Notice of Abandonment was mailed February 17, 2007.

Petitioner asserts that the Notice of Allowance and Fee(s) due and the Notice of Allowability mailed November 17, 2006 was never received. A review of the record indicates no irregularity in the mailing of the Notice, and in the absence of any irregularity in the mailing, there is a strong presumption that the Notice of Allowance and Fee(s) due was properly mailed to the address of record. This presumption may be overcome by a showing that the Notice of Allowance and Fee(s) due was not in fact received.

Accompanying the petition is a statement by the practitioner stating the Notice of Allowability was not received and attesting to the fact a review of docket records indicates the Notice of Allowability was not received. In addition, petitioner has

provided a copy of docket records where the nonreceived Office communication would have been entered had it been received and docketed. Accordingly, petitioner has provided sufficient information to warrant the withdrawal of the holding of abandonment.

The petition fee will be refunded to deposit account no.11-0600.

In light of applicant's submission of the issue fees, the Notice of Allowance does not need to be remailed. This application is being forwarded to the Office of Patent Publication for further processing.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3215.

A handwritten signature in black ink, appearing to read "Charlema R. Grant", with a stylized flourish at the end.

Charlema R. Grant  
Petitions Attorney  
Office of Petitions